

**SUPREME COURT MINUTES
THURSDAY, SEPTEMBER 30, 2004
SAN FRANCISCO, CALIFORNIA**

S128099

H027899 Sixth Appellate District

M. (VINCENT) v. S.C. (SANTA CRUZ COUNTY
HUMAN RESOURCES AGENCY
Petition for review and application for stay denied

S126725G030864 Fourth Appellate District,
Division Three

PEOPLE v. GOMEZ
Time extended to grant or deny review
to November 3, 2004.

S126854A102513 First Appellate District,
Division Three

JANIK v. RUDY, EXELROD & ZIEFF
Time extended to grant or deny review
to October 29, 2004.

S027094

PEOPLE v. ELLIOT (MARCHAND)
Extension of time granted

to November 9, 2004 to file appellant's opening
brief. After that date, no further extensions will
be granted.

S054569

PEOPLE v. WHALEN (DANIEL L.)
Extension of time granted

to November 30, 2004 to file appellant's opening
brief. After that date, only one further extension
totaling about 30 additional days will be
granted. Extension is granted based upon
counsel A. Richard Ellis's representation that he
anticipates filing that brief by the end of 2004.

S064733

PEOPLE v. ABEL (JOHN C.)
Extension of time granted

to November 30, 2004 to file appellant's opening
brief. After that date, only seven further
extensions totaling about 420 additional days
will be granted. Counsel is ordered to inform
his or her supervising attorney, if any, of this
schedule, and to take all steps necessary to meet
it.

S075727

PEOPLE v. JOHNSON (CEDRIC JEROME)
Extension of time granted

to December 3, 2004 to file appellant's opening brief. After that date, only seven further extensions totaling about 390 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

S115318

YOUNG (ROBERT) ON H.C.
Extension of time granted

to November 1, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only one further extensions totaling about 30 additional days will be granted. Extension is granted based upon counsel Wesley Van Winkle's representation that he anticipates filing that document by 12/01/04.

S127693

RABINEK ON REINSTATEMENT
Petitioner reinstated

Upon petition for reinstatement and recommendation of the State Bar of California, it is ordered that **DAVID B. RABINEK** be reinstated as a member of the State Bar of California upon payment of the fees and taking the oath required by law.

S126314

BENDEL ON DISCIPLINE
Recommended discipline imposed

It is ordered that **RANDY E. BENDEL**, State Bar No. 130569, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct; and

until he pays the court-ordered sanctions imposed on him individually (if any), on him and Maria Horwitz, jointly and severally, and on Maria Horwitz individually (Sanctions) in the total amount of \$21,652; and makes restitution to Maria Horwitz (or the Client Security Fund, if appropriate) to the extent she has paid any portion of the Sanctions, plus 10% interest per annum from the date(s) she made such payments, and furnishes satisfactory proof thereof to the Probation Unit of the State Bar, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including six months actual suspension and restitution, as recommended by the Hearing Department of the State Bar Court in its decision filed on May 19, 2004. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S126317

BALLAS ON DISCIPLINE
Recommended discipline imposed

It is ordered that **STEPHEN BRIAN BALLAS, State Bar No. 85888**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 3, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility

Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S126318**BERTZ ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **JAMES ERIC BERTZ, State Bar No. 160165**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S126320**WILLIAMS ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **GRAYLING M. WILLIAMS, State Bar No. 135709**, be suspended from the practice of law for 90 days, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 8, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2005, 2006 and 2007. (Bus. & Prof. Code, § 6086.10.)

S126321

VU ON DISCIPLINE

Recommended discipline imposed

It is ordered that **HAO-NHIEN Q. VU, State Bar No. 177529**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed June 8, 2004. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for the years 2005 and 2006. (Bus. & Prof. Code, § 6086.10.)

S126322

TORRES ON DISCIPLINE

Recommended discipline imposed

It is ordered that **ELIZABETH TORRES, State Bar No. 201677**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be placed on probation for three years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on June 8, 2004. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are

awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S128019

MCDANIEL ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **James Roy McDaniel, State Bar No. 101085**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S128020

COOPER ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **MARTIN A. COOPER, State Bar No. 68313**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S128021

COOK ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **BRET M. COOK**, **State Bar No. 170726**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)